



**PALM BEACH COUNTY  
 PLANNING, ZONING AND BUILDING DEPARTMENT  
 ZONING DIVISION  
 POLICY AND PROCEDURE**

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**PPM # ZO-O-044**

**Issued: 07/20/10**

**Effective: 07/20/10**

**SUBJECT: Establish Review Procedures for Flex Space**

**PURPOSE:** To establish review procedures for processing requests for Flex Space.

**BACKGROUND:** The Board of County Commissioners (BCC) adopted new provisions in ULDC Amendment Round 2009-02, Ordinance 2010-005, responding to Industry's requests to allow for flex space in industrial and commercial zoning districts. Adopted provisions are located in the Comprehensive Plan, Introduction and Administration Element, Comprehensive Plan Definitions, and ULDC Articles: 1.I, Definitions and Acronyms; 4.B. Supplementary Uses, and 5.B.1.C Flex Space. **Industrial Uses:** The new provisions provide flexibility by allowing up to 30% of the floor area for office, retail, or a combination of both, within developments with an Industrial (IND) or Economic Development Center (EDC) FLU. The office and/or retail use must be directly related to the industrial use. An existing warehouse use with 30% office may convert all or a portion of that area to retail, but shall not be permitted to exceed 30% of the floor area when utilizing flex space. The industrial uses that may have office and/or retail are limited to:

- data and information processing;
- laboratory, research;
- manufacturing and processing;
- medical or dental laboratory;
- warehouse; and
- wholesaling, general.

**Commercial Uses:** Flex Space located on parcels with a Commercial High (CH) FLU shall be permitted to have the following mix of uses: a minimum of 50% industrial not to exceed 75% of the building floor area; with the balance consisting of office or retail. The industrial uses must be directly related to the commercial use. The commercial uses that may include an industrial use are limited to:

- catering service;
- contractor storage yard; and,
- printing and copying services.

A contractor storage yard may be permitted in the CH FLU provided the stored materials are located within the structure. The ULDC will be amended in the 2010-02 round for further clarification.

Codified Ord. 2010-005, 2017-007  
 Repealed 11/6/19

**Approval Thresholds:** Flex Space uses are subject to the review thresholds established in Table 4.A.3.A – Thresholds for Projects Requiring DRO Approval, and Table 4.A.3.A-3 – Thresholds for Projects Requiring Board of County Commissioner Approval. In addition the uses are also subject to the approval pursuant to Article 5.B.1.C.1, Review Process.

An applicant can apply to utilize flex space provisions subject to the following processes: Option I – requiring BCC approval; Option II – requiring DRO approval; and Option III – requiring building permit approval.

**PROCEDURES:**

All new developments shall be subject to all applicable ULDC requirements. In order to implement the Flex Space Regulations, staff should be familiar with both the Comprehensive Plan and the ULDC provisions. Then review the provisions in Article 4.B, Supplemental Uses to determine what uses qualify for Flex Space. Article 5. B.1.C. provides the review process for Flex Space. The following steps should be followed for each of the options:

**Public Hearing Review and Approval:**

New Approvals:

The applicant is required to obtain the appropriate approvals for the primary and flex space uses based upon the Zoning District of the proposed use, in accordance with the ULDC in Article 3 and 4.

Previous Approvals:

The applicant shall be required to apply for a Development Order Amendment (DOA) for previously approved projects under any of the following circumstances:

- 1) if there are conditions of approval that restrict or limit the uses on site;
- 2) if there is an implemented Conditional Use or Requested Use that has to be abandoned pursuant to Article 2.Q.3.b., Public Hearing Abandonment before flex space can be established, or,
- 3) if the flex space use is subject to BCC or ZC approval.

The applicable plan shall be amended administratively pursuant to Article 2.D.1.G., Administrative Review to:

- 1) indicate the location of the area designated as flex space;
- 2) modify the tabular data to indicate the square footage and / or number of bays designated for flex space; and,
- 3) reflect compliance with the standards pursuant to Article 5.B.1.C.2.c., Parking and Loading Requirements.

**DRO Approval:**

New Approvals:

The applicant is required to obtain the appropriate approvals for the primary and flex space uses based upon the Zoning District of the proposed use, in accordance with the ULDC in Article 3 and 4.

Previous Approvals:

The applicant shall be required to administratively amend the applicable plan pursuant to Article 2.D.1.G., Administrative Review.

Codified Repealed Ord 2010-005, 2017-007  
11/16/19

The applicable plan shall be amended to:

- 1) indicate the location of the area designated as flex space;
- 2) modify the tabular data to indicate the square footage and / or number of bays designated for flex space; and,
- 3) reflect compliance with the standards pursuant to Article 5.B.1.C.2.c., Parking and Loading Requirements.

**Building Permit Approval:**

The applicant shall be required to submit a Site Plan, to the Zoning Division prior to applying for a building permit, pursuant to Article 2.D.1.G., Administrative Review. Copies of the plan shall be stored in the Zoning Division file room and shall be assigned a tracking number.

The Site Plan shall indicate:

- 1) the location of the area designated as flex space;
- 2) the square footage and / or number of bays designated for flex space; and,
- 3) compliance with the standards pursuant to Article 5.B.1.C.2.c., Parking and Loading Requirements.

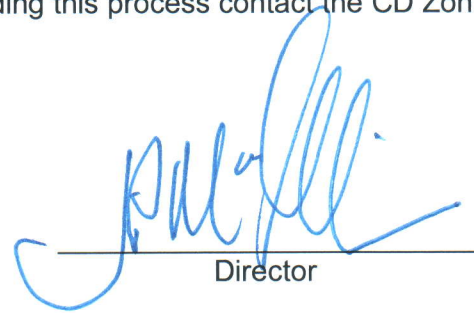
**Business Tax Receipts (BTR):**

The Planner-On-Call shall:

- 1) ensure the proposed use allows flex space as a component;
- 2) check the applicable use matrix to determine the review process; and,
- 3) direct the applicant to either the CDR or AR/PI section, based upon the required review process.

The applicant shall be required to follow the procedures indicated above for either the Public Hearing Review and Approval, DRO Approval, or Building Permit Approval, whichever is applicable.

If you have any questions regarding this process contact the CD Zoning Manager at 561-233-5300.



Director

Codified Ord. 2010-005; 2017-007  
Repealed 7/16/19

Examples

<b>Industrial Uses</b>	<b>Related Office or Retail</b>
data and information processing	Sales of office products or stationery
laboratory, research	Sales of medical testing equipment
manufacturing and processing	Sales of items processed on site
medical or dental laboratory	Sales of prosthetic (false teeth) repair kits
warehouse	Sales of boxes or packaging materials
wholesaling, general	Sales of boxes or packaging materials

<b>Commercial Uses</b>	<b>Related Industrial Uses</b>
catering service	manufacturing and processing (large scale prep of frozen dinners, pies, etc.)
contractor storage yard	warehouse (indoor storage of construction related materials)
printing and copying services	data and information processing

Repealed 11/6/19  
Codified Ord. 2010-005, 2017-007